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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/238,224	01/27/1999	MARK CHARLES BEUTNAGEL	BEUTNAGLE-3-	6579
7590	08/11/2005		EXAMINER	
HENRY T BRENDZEL P O BOX 574 SPRINGFIELD, NJ 07081			OPSASNICK, MICHAEL N	
			ART UNIT	PAPER NUMBER
			2655	
DATE MAILED: 08/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/238,224	BEUTNAGEL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael N. Opsasnick	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 November 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5,7,10 and 13-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,7,10 and 13-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 32-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As per independent claims 23 and 32 (and any applicable dependent claims from these independent claims), the phrases containing “parameter information tuples N”, “N tuples”, “parameter tuples”, are nowhere to be found in the written description of the specification, and therefore is not reasonably conveyed to one skilled in the art at the time the application was filed had possession of the claimed invention.

Applicant has provided a web-site that define N-tuple as a set of ordered values in the art of programming languages. It also provides the definition as a multidimensional coordinate system in the art of mathematics. Since there are varying definitions/interpretations of “N-tuple”, the 35 USC 112 first paragraph above has been maintained. Examiner suggests rewording the claim language N-tuples to reflect what is contained in the written description.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 23-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 23 recites the limitation "of said collections" in claim 23. There is insufficient antecedent basis for this limitation in the claim. It is not clear as to which collection is being referred. It is not clear if the phrase "of said collection" refers to the "parameter information collections N" or "N parameter information collections". Furthermore, it is not clear as to if "parameter information collections N" and "N parameter information collections" are equivalent. For example, "N parameter information collections" can be interpreted as N parameters in each information collection for a phoneme (N parameters for a phoneme), or "N parameter information collection" can be interpreted as parameter information collections for phonemes (N collections containing an unspecified amount of parameters). Dependent claims 24-31 do not remedy the 112 problems with claim 23, and are therefore rejected under 35 USC 112 2<sup>nd</sup> paragraph using the same rationale. Clarification and correction is required. For art related examining purposes, examiner will not attempt to interpret the claim scope of claims 23-31.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5,7,10,13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al (5970459) in view of Campbell et al (6366883).

As per claims 1,18-22, Yang et al (5970459) teaches inserting said signal a plurality of phonemes by phoneme symbols (as phoneme symbols col. 1 lines 35-40); inserting in said signal a duration specification with each of said phonemes (col. 4 line 60-66); a third step including at least one of said phonemes at a time offset from the beginning of the duration of said phoneme that is greater than zero less than the duration of said phoneme (as offset adjustments of the time duration of the phonemes – col. 5 lines 1-12). Furthermore, Yang et al (5970459) teaches at least two prosody parameter specification towards a target value (col. 4 lines 60-67). Yang et al (5970459) does not explicitly teach any selected point in time for reaching said target value, however, Campbell et al (6366883) teaches a selected point in time for reaching the target value (col. 16 line 14 – col. 17 line 23). Therefore, it would have been obvious to one of ordinary skill in the art of speech processing to modify the teachings of Yang et al (5970459) with “any selected point in time” for reaching the target value

because it would advantageously approximate costs between target and candidate phonemes (Campbell et al (6366883), col. 2 lines 40-49).

As per claims 2, 15, Yang et al (5970459) teaches pitch parameters (col. 4 line 65)

As per claims 3, 16, Yang et al (5970459) teaches energy parameters (col. 4 line 65)

As per claims 4, 10, Yang et al (5970459) teaches text (col. 3 lines 30-35)

As per claim 5, Yang et al (5970459) teaches either one of said at least two prosody specs specifies an energy (col. 4 lines 53-67)

As per claim 7, Yang et al (5970459) teaches target specs in terms of offsets from the boundaries (col. 2, lines 55-65), wherein the boundary start is determined on the phoneme level (col. 4 lines 53-67)

As per claim 13, Yang et al (5970459) teaches image (col. 3 lines 30-35)

As per claim 14, Yang et al (5970459) teaches offset (col. 5 lines 14-20)

As per claim 17, Yang et al (5970459) teaches target values for both pitch and energy (col. 4 lines 63-67)

### ***Response to Arguments***

8. Applicant's arguments filed 10/9/2003 have been fully considered but they are not persuasive. As per applicant's arguments that Yang does not teach "aiming" at a target value, examiner notes that Yang's target value is the alignment of the phoneme with the new image

information, i.e., the synchronization timing as dictated by the multimedia format (Fig. 4, the target is the sentence start and end positions; dictated by lip shapes and other position information in the image (col. 4 lines 41-50). As per the arguments that Campbell teaches duration of the phoneme and not the duration of the prosody information, examiner argues that Campbell teaches the duration of the prosody information (the phoneme itself). Also, the selection of the duration can be made for any point in time (Campbell, figs. 8-11).

***Conclusion***

**9. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
**or faxed to:**  
(703) 872 9314,  
(for informal or draft communications, please label "PROPOSED" or  
"DRAFT")  
Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

**10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.**

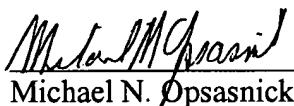
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Wayne Young, can be reached at (571)272-7582. The facsimile phone number for this group is (571)272-7629.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571)272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno

8/8/05



Michael N. Opsasnick  
Examiner  
Art Unit 2655